



ORDINANCE 2018-21

Amending Chapter 62, Land Use, by Rezoning Certain Properties Designated as Block 31, Lots 30.012 and 35.09 from Office Research (OR), and Block 31, Lots 35.712 and 35.811 from Village Residential (R-4), to PRD VI Mixed Development

WHEREAS, on July 1, 2015, the Township filed a declaratory judgment action seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan and seeking related relief in a matter entitled In the Matter of the Application of the Township of South Brunswick, County of Middlesex, Docket No. MID-3878-15, transferred to Mercer County under Docket No. MER-L-0810-17 by order of April 20, 2017, and transferred back to Middlesex County by order of July 26, 2017, subsequently given Docket No. MID-L-4436-17 (DJ Action); and

WHEREAS, on February 19, 2016, the Superior Court revoked the Township's immunity and permitted the filing of various builder's remedy lawsuits, which were consolidated with the DJ Action, including a builder's remedy complaint filed on May 3, 2016, by Richardson Fresh Ponds and Princeton Orchards Associates entitled, Richardson Fresh Ponds LLC v. Township of South Brunswick, et al., Docket No. MID-L-2638-16 (Builder's Remedy Action); and

WHEREAS, on March 19, 2018, a settlement of the Builder's Remedy Action was reached between Princeton Orchards Associates, the Township of South Brunswick and the South Brunswick Planning Board, which Settlement Agreement was approved by the court on May 22, 2018; and

WHEREAS, as one of the conditions of the Settlement Agreement, the Township of South Brunswick is required to adopt an ordinance within sixty (60) days of the date of court approval of the settlement agreement to rezone property located on and bounded by Route 522, Ridge Road and Griggs Drive that is immediately adjacent to the existing Princeton Orchards Apartments, designated as Block 31, Lots 30.012 and 35.09 from Office Research (OR) to PRD VI Mixed Development, and property located at 368 Ridge Road, Dayton, NJ, designated as Block 31, Lots 35.712 and 35.811 from Village Residential (R-4) to PRD VI Mixed Development;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. In accordance with the Settlement Agreement dated March 19, 2018, approved by the Court on May 22, 2018, the zoning map of the Township of South Brunswick shall be and is hereby amended by the rezoning of:

- Block 31, Lots 30.012 and 35.09 from Office Research (OR) to PRD VI Mixed Development; and
 - Block 31, Lots 35.712 and 35.811 from Village Residential (R-4) to PRD VI Mixed Development.
- II. A copy of the zoning map is available for public inspection in the office of the Township Clerk, 540 Ridge Road, Monmouth Junction, NJ 08852 during normal business hours.
- III. Notice shall be given at least ten (10) days prior to the hearing on the adoption of this ordinance to the Middlesex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, notice of the passage thereof shall be published and a copy of the ordinance as finally adopted shall be filed with the Middlesex County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.
- IV. This ordinance shall become effective twenty (20) days after its final passage and upon filing with the Middlesex County Planning Board, contingent upon the final adoption of Ordinance 2018-20.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on June 26, 2018, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on July 24, 2018, at which time and place any person having an interest therein will be given an opportunity to be heard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on July 24, 2018.


 Barbara Nyitrai, Township Clerk